

# FEDERAL REGISTER

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## TITLE 7—AGRICULTURE

### Chapter VIII—Production and Marketing Administration (Sugar Branch)

#### PART 802—SUGAR DETERMINATIONS

#### FAIR AND REASONABLE PRICES FOR 1947 CROP OF LOUISIANA SUGARCANE

Pursuant to the authority contained in the "Determination of Fair and Reasonable Prices for the 1947 Crop of Louisiana Sugarcane" (§ 802.22s, 12 F. R. 7048), it is hereby found that, because of inadequate volume of sales and quantities of sugar sold, the weekly average prices for 96° raw sugar quoted by the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the weeks ending January 8, January 15, January 22, and January 29, 1948, do not reflect the true market value of such sugar for such periods. Further, it is hereby found that the prices established under the pricing formula of the contracts between Commodity Credit Corporation and continental refiners of cane sugar reflect the true market value of sugar for such periods. Therefore, the weekly average price reported under such contracts, and the seasonal average price as based on such weekly average prices, are hereby designated to be effective under such determination as follows:

- (a) For the week ending January 8, 1948, 6.32 cents per pound;
- (b) For the week ending January 15, 1948, 5.79 cents per pound;
- (c) For the week ending January 22, 1948, 5.62 cents per pound;
- (d) For the week ending January 29, 1948, 5.62 cents per pound; and
- (e) Seasonal average price, 6.206 cents per pound.

*Statement of bases and considerations.* Paragraph (a) of the "Determination of Fair and Reasonable Prices for 1947 Crop of Louisiana Sugarcane" (S. D. 259), issued October 24, 1947 (12 F. R. 7048), provides that the average price per pound of 96° raw sugar, duty paid basis, shall be determined in accordance with whichever of the following options is agreed upon: (1) The average of the weekly quotations of 96° raw sugar, duty paid

basis, on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the week in which such sugarcane is delivered; or (2) the simple average of the weekly quotations of 96° raw sugar, duty paid basis, on such Exchanges for the weeks from Friday, October 3, 1947, to January 30, 1948, "except that if the Director of the Sugar Branch finds for any week or weeks such weekly averages do not reflect the true market value of sugar, because of inadequate volume or other factors, the Director may designate the weekly and seasonal prices to be effective under this determination \* \* \*".

Quotations of the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for all weeks up to the week ending January 1, 1948, have been 6.32 cents per pound (the raw sugar quoted price of Commodity Credit Corporation). On January 7, 1948, one sale of 3,500 bags of 1947 crop Louisiana raw sugar was made at 5.67 cents per pound. This sale was used by such Exchanges in arriving at an average price of 6.06 cents per pound for the week ending January 8, 1948. Because the rules of these Exchanges provide that the last previous quotable sale will be quoted each subsequent day until a further sale is made, the daily prices since January 7, 1948, have continued to be quoted at 5.67 cents per pound, thus establishing weekly average prices of 5.67 cents per pound for the weeks ending January 15, 22, and 29, 1948. The sale of 3,500 bags of 1947 crop Louisiana raw sugar does not constitute sales of adequate volume on which to base a change in the price of raw sugar and, consequently, does not reflect the true market value of sugar.

The weekly and seasonal average prices of raw sugar designated herein result from the pricing formula prescribed in the contracts between Commodity Credit Corporation and continental refiners of cane sugar. Such formula is so designed that the daily price resulting therefrom reflects the current value of sales of raw sugar of 5,000 short tons or more. Prior to January 12, 1948, no such sales had been reported which would change Com-

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# FEDERAL REGISTER

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modity Credit Corporation's prices. Such sales on and after January 12, 1948, have been used in arriving at the designated weekly and seasonal average prices. Such prices are deemed to reflect the true market value of raw sugar available for melt during such periods. (Sections 301 and 403 of Public Law 388, 80th Congress; 12 F. R. 7048)

Issued this 9th day of February 1948.

[SEAL] JAMES H. MARSHALL,  
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48-1297; Filed, Feb. 11, 1948; 8:54 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4747]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

A. P. W. PAPER CO., INC.

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (1) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.66 (b 10) *Misbranding or mislabeling—History:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (k 1) *Misbranding or mislabeling—Success, use or standing:* § 3.96 (a) *Using misleading name—Goods—History:* § 3.96 (a) *Using misleading name—Goods—Success, use or standing.* In connection with the offering for sale, sale and distribution of respondent's toilet tissues and paper towels in commerce using (subject to the permissible limits prescribed by the act of January 5, 1905, as amended by section 4 of the act of June 23, 1910) the words "Red Cross" or any abbreviation or simulation thereof, or the mark of a Greek red cross or any other mark, emblem, sign or insignia simulating a Greek red cross, on respondent's products, or using said words or said mark in selling or advertising the same; prohibited, (a) unless respondent uses upon the label, whether on the wrapper or the carton, and with equal clearness and conspicuousness in immediate conjunction with said words or said mark, the legend, "This product has no connection whatsoever with American National Red Cross"; (and subject to the further provision that if said words or said mark appear on more than one side of respondent's wrapper or carton, respondent shall use said legend, as aforesaid, on each such side, as illustrated in the forms of labels shown in Exhibits A and B,<sup>1</sup> annexed to the order and approved as illustrative thereof and as complying with its provisions); and (b) unless respondent, in each of its written advertisements containing said words or said mark uses the said legend with equal clearness and conspicuousness; (and subject to the further provision that if an advertisement covers more than one page, respondent shall use said legend as aforesaid on each and every page on which said words or said mark shall appear); and (c) unless respondent, in each of its radio advertisements containing said words or said mark, makes the statement contained in said legend with equal clearness and conspicuousness; and subject to the further provision that anything in the order to the contrary notwithstanding, respondent may continue to use the labels for paper towels that were already printed on August 12, 1946, as compliance with

<sup>1</sup> Filed as part of the original document.



the provisions of the aforesaid matter (a), until such labels are exhausted. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45) [Modified cease and desist order, A. P. W. Paper Company, Inc., Docket 4747, December 18, 1947]

At a regular session of the Federal Trade Commission held at its offices in the city of Washington, D. C., on the 18th day of December A. D. 1947.

This matter having been remanded to the Federal Trade Commission by the Circuit Court of Appeals for the Second Circuit on April 16, 1947, to consider the desirability of modifying the modified order entered by the Commission herein on August 12, 1946; and a stipulation having been entered into by and between Walter B. Wooden, Associate General Counsel of the Federal Trade Commission and the respondent A. P. W. Paper Company, Inc., providing that subject to the approval of the Federal Trade Commission, the following modified order, prepared and agreed upon with due notice to and in pursuance of conferences and collaboration had with respondent herein may be entered and issued by the Commission in this proceeding, and be thereafter duly served upon respondents and the Commission also having taken into account all the proceedings had in the matter preceding its remand as above stated:

It is ordered, That the said stipulation be approved, accepted and filed.

It is further ordered, That the respondent, A. P. W. Paper Company, Inc., a corporation, and its officers, representatives and employees, directly or through any corporate device, in connection with the offering for sale, sale and distribution of respondent's toilet tissues and paper towels in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using (subject to the permissible limits prescribed by the act of January 5, 1905, as amended by section 4 of the act of June 23, 1910) the words "Red Cross" or any abbreviation or simulation thereof, or the mark of a Greek red cross or any other mark, emblem, sign or insignia simulating a Greek red cross, on respondent's products, or using said words or said mark in selling or advertising the same,

(a) Unless respondent uses upon the label, whether on the wrapper or the carton, and with equal clearness and conspicuousness in immediate conjunction with said words or said mark, the legend, "This product has no connection whatsoever with American National Red Cross"; *Provided*, That if said words or said mark appear on more than one side of respondent's wrapper or carton, respondent shall use said legend, as aforesaid, on each such side, and the forms of labels shown in Exhibits A and B hereto annexed are approved as illustrative of this order and as complying with its provisions, and

(2) Unless respondent, in each of its written advertisements containing said words or said mark uses the said legend

with equal clearness and conspicuousness; *Provided*, That if an advertisement covers more than one page, respondent shall use said legend as aforesaid on each and every page on which said words or said mark shall appear, and

(c) Unless respondent, in each of its radio advertisements containing said words or said mark, makes the statement contained in said legend with equal clearness and conspicuousness.

It is further ordered, That anything herein to the contrary notwithstanding, respondent may continue to use the labels for paper towels that were already printed on August 12, 1946, as compliance with the provisions of the aforesaid paragraph (a), until such labels are exhausted.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it is complying with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 48-1281; Filed, Feb. 11, 1948; 8:54 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

##### EXEMPTION OF CERTAIN SECURITIES

The Securities and Exchange Commission deems it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors to amend § 240.11d1-1 (Rule X-11D1-1) (12 F. R. 65) under the Securities Exchange Act of 1934 by adding to the rule the new clause (e) set forth below. The Commission finds that the amendment operates to grant an exemption and may be declared effective immediately pursuant to section 4 (c) of the Administrative Procedure Act. Therefore, it is ordered pursuant to the authority conferred upon the Commission by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 11 (d) (1) and 23 (a) thereof, that Rule X-11D1-1 be amended by substituting a semicolon and the word "or" for the period at the end of clause (d) and adding at the end of the rule the new clause (e) which here is set forth in conjunction with the introductory clause of the rule:

§ 240.11d1-1 *Exemption of certain securities from section 11 (d) (1)*. A security shall be exempt from the provisions of section 11 (d) (1) with respect to any transaction by a broker and dealer who, directly or indirectly, extends or

maintains or arranges for the extension or maintenance of credit on the security to or for a customer if:

(e) Such broker and dealer would otherwise be subject to the prohibition of section 11 (d) (1) with respect to 50% or less of all the securities of the same class which are outstanding or currently being distributed, and such broker and dealer sold the security to the customer or bought the security for the customer's account on a day when he was not participating in the distribution of any new issue of such security. A broker-dealer shall be deemed to be participating in a distribution of a new issue if (1) he owns, directly or indirectly, any undistributed security of such issue, or (2) he is engaged in any stabilizing activities to facilitate a distribution of such issue, or (3) he is a party to any syndicate agreement under which such stabilizing activities are being or may be undertaken, or (4) he is a party to an executory agreement to purchase or distribute such issue.

(Secs. 3 (a) (12), 11 (d) (1), 48 Stat. 882, 891, sec. 23 (a), 49 Stat. 1379; 15 U. S. C. 78c, 78k, 78w)

Effective: February 4, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

FEBRUARY 3, 1948.

[F. R. Doc. 48-1263; Filed, Feb. 11, 1948; 8:46 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter I—Home Loan Bank Board

[No. 474]

#### PART 05—SPECIFIC DELEGATIONS OF AUTHORITY

##### APPROVAL OF AMENDMENTS TO CHARTER K BY FEDERAL SAVINGS AND LOAN ASSOCIATION

##### Correction

In the third line of § 05.14 of F. R. Doc. 48-1257, appearing on page 614 of the issue for Wednesday, February 11, 1948, the word "Chapter" should read "Charter".

### Chapter V—Federal Housing Administration

#### PART 500—GENERAL

##### FIELD ORGANIZATION

Section 500.22 *Field organization* (11 F. R. 177A-886) of Subpart C is amended, effective February 1, 1948, by:

Opposite the state of New York, in the column headed "City" and directly below "New York City" adding "Rochester"; and on the same horizontal line, in the column headed "Address" adding "Terminal Building"; and in the column headed "Jurisdiction," adding "(See Buffalo)".



(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1702; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

[SEAL] R. WINTON ELLIOTT,  
Assistant Commissioner.

FEBRUARY 4, 1948.

[F. R. Doc. 48-1261; Filed, Feb. 11, 1948;  
8:45 a. m.]

#### PART 500—GENERAL FIELD ORGANIZATION

Section 500.22 *Field organization* (11 F. R. 177A-886) of Subpart C is amended, effective January 14, 1948, by:

Opposite the state of Tennessee, in the column headed "City" and directly below "Memphis" adding "Knoxville" and on the same horizontal line, in the column headed "Address" adding "Post Office Building", and in the column headed "Jurisdiction", adding "(See Memphis)".

(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1702; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

[SEAL] R. WINTON ELLIOTT,  
Assistant Commissioner.

FEBRUARY 4, 1948.

[F. R. Doc. 48-1262; Filed, Feb. 11, 1948;  
8:45 a. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of the Interior

#### Subchapter L—Irrigation Projects: Operation and Maintenance

#### PART 130—OPERATION AND MAINTENANCE CHARGES

#### TRIBAL AND TRUST PATENT INDIAN LANDS OF SAN CARLOS PROJECT, ARIZONA

FEBRUARY 2, 1948.

On November 20, 1947 (12 F. R. 7843), there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend § 130.110 (12 F. R. 4138) of this part. Interested persons were thereby given opportunity to participate in preparing the amendment by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the provided period, the said section is hereby amended and promulgated as follows:

§ 130.110 *Basic charge.* Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), Au-

gust 1, 1914 (38 Stat. 583, Title 25 U. S. C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U. S. C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291-305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1948 and the calendar year 1949 and the subsequent years unless changed by further order, is hereby fixed at \$3.50 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. (33 Stat. 1081, secs. 1, 3, 36 Stat. 270, as amended, 37 Stat. 522, 38 Stat. 583, 43 Stat. 476, 45 Stat. 210, as amended, 50 Stat. 577, 52 Stat. 304; 25 U. S. C. 385, 387)

WM. H. ZEH,  
District Director.

[F. R. Doc. 48-1260; Filed, Feb. 11, 1948;  
8:48 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR, Part 932]

#### HANDLING OF MILK IN FORT WAYNE, IND., MARKETING AREA

#### NOTICE OF RECOMMENDED DECISION AND OP- PORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL

REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* A public hearing, on the record of which the proposed amendments to the order, as amended, and to the tentative marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Wayne Cooperative Milk Producers, Inc. The public hearing was held at Fort Wayne, Indiana, on November 13-14, 1947, inclusive, upon notice issued on November 7, 1947 (12 F. R. 7289).

The material issues presented on the record of hearing were whether:

1. The definition of "handler" and the reporting, classification, and allocation provisions of the order should be modified with respect to producer milk delivered to plants from which no routes are operated in the marketing areas; and
2. Whether provisions should be included in the order to insure availability of producer milk for Class I and Class II usage.

*Findings and conclusions.* 1. The responsibilities of handlers and the reporting, classification, and allocation provisions of the order should be modified, with respect to producer milk diverted to plants from which no routes are operated in the marketing area, by:

- (a) Defining "fluid milk plant" as a plant from which route(s) are operated in the marketing area, and non-fluid milk plant as any other milk plant;

- (b) Modifying the handler definition so that a cooperative association operating a non-fluid milk plant at which milk is received from producers, is a handler only with respect to the producer milk diverted to such plant for its account;

- (c) Limiting the reports of receipts and utilization, when producer milk is diverted by a handler to his non-fluid milk plant, to such receipts of producer milk at such plant; and

- (d) Providing by specific allocation provisions that, when producer milk is diverted to a "non-fluid milk plant" operated by the handler for whose account it is diverted, it shall be classified in the lowest classes for which milk is used in such plant.

Under the present provisions of the order the receipts and utilization of four to five million pounds of milk not approved for distribution in Fort Wayne are reported and classified each month in determining the classification of producer milk diverted to a cooperative association plant. This plant is not engaged in or approved for distribution of Class I products in the marketing area. The receipts of producer milk represent that portion of the association's supply that is not delivered directly from farms to Fort Wayne handlers, and except for the flush season of the year are less than a half million pounds per month.

The operation of these provisions has resulted in assessment of administrative charges on considerable quantities of milk not approved for distribution in Fort Wayne when it is marketed at points more than 100 miles from Fort Wayne.



It has also resulted to some extent in diverted producer milk being allocated to Class I when sold intermingled with the uninspected supply for manufacturing purposes to distant points. In addition normal transfers and diversions of producer milk to this cooperative plant by other handlers and by another cooperative association have been made increasingly difficult by the allocation provisions applied in the classification of producer milk diverted to the plant which is not engaged in the fluid milk business in Fort Wayne.

These results were not contemplated when the present provisions were included in the order, and amendment is required for correction of the situation. This can best be done by distinguishing by definition between plants which engage in Class I trade in the marketing area ("fluid milk plants") and other milk plants ("non-fluid milk plants"). The definition of "handler" should be modified so that a cooperative association is no longer a handler with respect to all operations of a non-fluid milk plant which it operates, but only with respect to producer receipts at such plant. A handler for whose account producer milk is diverted to a non-fluid milk plant should be required to report only the receipts and utilization of the producer milk, even though he is also the operator of the non-fluid milk plant.

When diverted to a non-fluid milk plant, producer milk should be allocated to the lowest class for which milk is used in the plant. The present provisions produce this result when producer milk is transferred or diverted to a non-handler's plant. Proponents proposed that these provisions be used in the classification of producer milk diverted to any non-fluid milk plant. Since these provisions include agreement as to classification between buyer and seller it is deemed more appropriate to include specific allocation provisions that apply when the non-fluid milk plant is operated by the handler or cooperative association for whose account producer milk is diverted.

At the hearing, and by brief, handlers suggested that the present burdensome features of the order could be corrected by modification of the existing provisions which require the classification of all milk moved more than 100 miles as Class I milk, and which impose assessments for administration on other source milk classified as Class I milk or Class II milk. While the adoption of these suggestions would provide considerable correction for the objectionable features which are now apparent the desired result could best be accomplished by amending the order so as to define clearly the status of all handlers with respect to producer milk diverted from fluid milk plants and to provide definite allocation of such milk to the lower classes when used in conjunction with other source milk in a non-fluid milk plant operated by a handler, whether proprietary or cooperative. Such broader basis of amendment will provide for additional contingencies that may arise. Producer milk which is surplus to the needs of plants which engage in fluid trade in the marketing area

should not be so regulated by the order as to burden marketing operations for milk of other dairy farmers which is not in competition with producer milk for the trade of the marketing area.

In line with this conclusion, and in order to obviate such burden, the classification of milk in a handler's non-fluid milk plant, to the extent necessary to determine the classes to which producer milk there diverted shall be assigned, should be on the basis of actual use in or disposition from that plant. If milk is further disposed of from the non-fluid milk plant to another non-fluid milk plant the actual use for which it is disposed should control, rather than any rule of classification based on distance moved. This is the result under the present order when producer milk is transferred or diverted from a handler's plant to a non-handler's plant. Accordingly it is concluded that when producer milk is diverted to a non-fluid milk plant of the handler for whose account it is diverted, the fact that further transfers of milk are made from this plant to other plants located 100 miles or more from Fort Wayne should not affect the classification of the diverted producer milk. To do otherwise, would require that the milk of other dairy farmers bear the burden arising from any Class I charges on producer milk actually marketed for use in lower classes.

2. Provision should not be included in the order at this time limiting Class III usage during October, November, and December in order to insure availability of producer milk for Class I and Class II requirements.

Handlers supplied by the cooperative association contend that the present allocation provisions applicable to the cooperative plant aids them in receiving their full needs for Class I and Class II milk by penalizing diversion of excessive amounts of producer milk to the plant of the cooperative association which controls their supply. This provision operates through allocation of producer milk diverted to the association's non-fluid milk plant in excess of 15 percent of the total supply of the association to the highest class use in the association plant. In its present form this provision is obviously inapplicable if the amendments set forth in conclusion (1) are adopted. However, at the hearing proponents suggested that this provision be amended so as to charge any handler Class I price for Class III usage in excess of 15 percent of receipts during October, November, and December, the normal short supply season. It was advanced that such a provision would assist in directing producer milk to handlers requiring it for Class I and Class II use and also discourage addition of excessive supplies to the pool.

For 1947 the use of other source milk in Class I and Class II has decreased materially from recent years. Handlers associated this improvement with the "15 percent rule" imposed upon the association that supplies them. It was not shown, however, that the changes were due to operations of this provision. Supplies of producer milk were more adequate as a result of increased class

prices, and other amendments to the order discouraged excess diversion of producer milk by the association with accompanying substitution of other source milk which the association also controls.

Total supplies of producer milk in the market are not such as to cause concern. For September 80 percent of producer receipts were needed for Class I and Class II uses. Production for October, November, and December is normally less than for September. The hearing record shows that daily fluctuations in demand require a minimum reserve of 15 percent supplied. Under present conditions, it does not appear that total supplies will be above minimum needs in the short season. These factors show that the need for order provisions directing producer milk to handlers needing it for Class I and Class II purposes is not critical in the market. The proposal introduced at the hearing would first be effective in the fall of 1948 and is one whose future effect it is difficult to foresee with any degree of accuracy. In view of the fact that time permits a further review of the situation and provides opportunity to present specific proposals with reference to the problem, the proposal introduced at the hearing should not be adopted at this time.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of the Wayne Cooperative Milk Producers, Inc., the Allen Dairy Products, Inc., and various handlers subject to the order. Every point covered in the briefs was carefully considered along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings and conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

*Recommended marketing agreement and amendments to the order.* The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulating provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 932.1 (j) and substitute therefor the following:

(j) "Handler" means:

(1) Any person, including any cooperative association, who operates a fluid milk plant; and

(2) Any cooperative association with respect to:

(i) Milk caused by it to be delivered from producers' farms to a fluid milk plant for which milk such association is authorized to receive payment; or

(ii) Milk of producers caused to be diverted for its account from a fluid milk plant to a non-fluid milk plant.



2. Delete § 932.1 (1) and substitute therefor the following:

(1) "Non-fluid Milk Plant" means any milk plant not a fluid milk plant.

3. Add the following as § 932.1 (p):

(p) "Fluid milk plant" means any milk processing or distributing plant from which a route (or routes) is operated wholly or partially within the marketing area.

4. Delete § 932.3 (a) (1) and substitute therefor the following:

(1) The quantities of butterfat and quantities of skim milk contained (i) in (or used in the production of) all receipts at a fluid milk plant of (a) producer milk, (b) skim milk and butterfat in any form from any other handler, and (c) other source milk, and (ii) in all producer milk diverted for the account of such handler during the delivery period to a non-fluid milk plant.

5. Delete § 932.3 (a) (2) and substitute therefor the following:

(2) The product pounds of milk products received from any source other than from a handler and disposed of in the same form.

6. Delete § 932.4 (a) and substitute therefor the following:

(a) *Skim milk and butterfat to be classified.* The market administrator shall classify pursuant to the following provisions of this section:

(1) All skim milk and butterfat, in any form, received within the delivery period by a handler at his fluid milk plant, in producer milk, in other source milk, and from another handler; and

(2) All skim milk and butterfat in producer milk caused by a handler to be diverted for his account to a non-fluid milk plant.

7. Delete § 932.4 (e) and substitute therefor the following:

(e) *Transfers and diversions.* Skim milk or butterfat disposed of by a handler from his fluid milk plant either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted to the fluid milk plant of another handler (except a producer-handler) in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted except as provided in subparagraph (4) of this paragraph, to a non-fluid milk plant not operated by the handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream unless (i) the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section; and

(4) As Class I milk if transferred or diverted in the form of milk to a milk plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator.

(5) As follows, if contained in producer milk caused to be diverted or transferred by a handler to a non-fluid milk plant operated by such handler:

(a) In accordance with its utilization in such non-fluid milk plant, if there utilized; or

(b) In accordance with subparagraphs (1), (2), or (3) of this paragraph if further transferred from such non-fluid milk plant to another milk plant;

*Provided*, That if the use in or disposition from the non-fluid milk plant of such handler is in conjunction with other receipts, the receipts of producer milk shall first be allocated to the available quantity of Class III milk and any remaining balance of such receipts shall be allocated to the available quantities of Class II milk and of Class I milk in that sequence.

8. Delete § 932.4 (g) (1) (ii) and (g) (1) (v).

9. Redesignate § 932.4 (g) (1) (iii), (g) (1) (iv), and (g) (1) (vi) as § 932.4 (g) (1) (ii), (g) (1) (iii), and (g) (1) (iv), respectively.

10. Delete § 932.6 (c) and substitute therefor the following:

(c) *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.1 (j) (2) (i), with respect to milk caused by it to be delivered from producers' farms to a fluid milk plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to the proviso of § 932.8 (e).

11. Delete § 932.6 (d).

Filed at Washington, D. C., this 9th day of February 1948.

[SEAL] S. R. NEWELL,  
Acting Assistant Administrator.

[F. R. Doc. 48-1298; Filed, Feb. 11, 1948; 8:52 a. m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

#### United States Coast Guard

[CGFR 48-1]

#### APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publica-

tion in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

#### LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/33/0, model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, manufactured by H. S. White Manufacturing Co., Inc., 6th and Rosabel Streets, St. Paul 1, Minn.

Approval No. 160.002/34/0, model 6, child kapok life preserver, U. S. C. G. Specification 160.002, manufactured by H. S. White Manufacturing Co., Inc., 6th and Rosabel Streets, St. Paul 1, Minn.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.002)

#### CLEANING PROCESSES FOR LIFE PRESERVERS

NOTE: Buoyancy fillers are not removed from envelope during cleaning process.

Approval No. 160.006/11/0, cleaning process for kapok life preservers with permanently installed buoyant inserts, as outlined in letter of 20 November 1947 from Headquarters, New York Port of Embarkation, submitted by Headquar-



ters, New York Port of Embarkation, Brooklyn, N. Y.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.006-4)

#### BUOYANT CUSHIONS, STANDARD

NOTE: Cushions are for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.007/58/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, submitted by Portable Products Sales Corp., Woolworth Bldg., New York 7, N. Y., manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.007/59/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by Correct Craft, Inc., Pine Castle, Fla.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

#### BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.008/375/0, 15" x 48" x 2" rectangular buoyant cushion, 64 oz. kapok, U. S. C. G. Specification 160.008, Dwg. No. 12, dated 7 November 1947, manufactured by Melman, Inc., 1901 Northwest Miami Court, Miami 36, Fla.

Approval No. 160.008/376/0, 15" x 36" x 2" rectangular buoyant cushion, 48 oz. kapok, U. S. C. G. Specification 160.008, Dwg. No. 11, dated 7 November 1947, manufactured by Melman, Inc., 1901 Northwest Miami Court, Miami 36, Fla.

Approval No. 160.008/380/0, 14" x 20" x 2" rectangular buoyant cushion No. 9163, 24 oz. kapok, The American Pad & Textile Co. Dwg. No. B-65, dated 23 January 1942, revised 6 March 1946, submitted by Montgomery Ward & Co., Inc., Chicago 7, Ill., manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/381/0, 15" x 18" x 2" rectangular buoyant cushion, 24 oz. kapok, U. S. C. G. Specification 160.008, Dwg. No. 15, dated 11 November 1947, manufactured by Melman, Inc., 1901 Northwest Miami Court, Miami 36, Fla.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8.)

#### BUOYANT APPARATUS

Approval No. 160.010/14/0, buoyant apparatus, 10'0" x 5'0" elliptical shape, 0'11" diameter section, aluminum, 24-person capacity, Dwg. No. 3177, dated 7 August 1947, manufactured by Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.54a, 60.47a, 76.51a)

#### LIFE RAFTS

Approval No. 160.018/8/0, 9.67' x 8.67' x 3.42' life raft, 15-person capacity, identified by general arrangement Dwg. No.

G 281, dated 12 January 1942 and revised 15 December 1942, manufactured by C. C. Galbraith & Sons, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.42, 76.32, 94.32, 113.29)

#### DAVITS, LIFEBOAT

Approval No. 160.032/94/0, mechanical davit, straight boom sheath screw, type BN-95, approved for specific installations subject to discretion of the Coast Guard for maximum working load of 19,000 pounds per set (9,500 pounds per arm) using three-part falls, identified by arrangement of boom davit, type BN-95, Dwg. No. 3185, dated 15 October 1947, manufactured by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.032/95/0, mechanical davit, Crescent sheath screw, type C-50, approved for a maximum working load of 10,000 pounds per set (5,000 pounds per arm) using not less than 3-part falls, identified by general arrangement Dwg. No. 3189, dated 23 December 1947, submitted by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.032/96/0, mechanical davit, straight boom sheath screw, type B-20, approved for maximum working load of 4,000 pounds per set (2,000 pounds per arm) using four-part falls, identified by general arrangement Dwg. No. 3161, dated 10 April 1947 and revised 18 November 1947, manufactured by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 474, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-4, 59.3, 60.21, 76.15, 94.14, 113.23)

#### HAND PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/8/0, type A, size 1, hand propelling gear, identified by general arrangement Dwg. No. 600, dated 14 March 1947, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3-1, 59.11)

#### MECHANICAL DISENGAGING APPARATUS (FOR LIFEBOATS)

Approval No. 160.033/35/0, Steward type A releasing gear, approved for maximum working load of 10,320 pounds per set (5,160 pounds per hook), for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only; identified by general arrangement Dwg. No. 2131-8 dated 24 September 1947; submitted by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-7, 59.68, 76.62, 94.59)

#### LIFEBOATS

Approval No. 160.035/170/0, 16' x 5.6' x 2.35' steel oar-propelled lifeboat, 12-person capacity, identified by general arrangement Dwg. No. OMS-100-A, dated July 1947, submitted by Tregoning Industries, Inc., Seattle, Wash.

Approval No. 160.035/173/0, 30' x 10' x 4.13' steel hand propelled lifeboat, 70-person capacity, identified by general arrangement Dwg. No. 1820, dated 23 December 1939, submitted by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/179/0, 20' x 6.5' x 2.67' steel oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement Dwg. No. 3180, dated 18 September 1947, submitted by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/180/0, 20' x 6.5' x 2.75' steel oar-propelled lifeboat, 21-person capacity, identified by construction and arrangement Dwg. No. 3191, dated 18 September 1947, submitted by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/184/0, 24' x 7.75' x 3.33' steel oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement Dwg. No. 245-2, dated 11 January 1944, and revised 16 May 1947, manufactured by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/196/0, 30.67' x 10.17' x 4.25' steel hand-propelled lifeboat, 77-person capacity, identified by arrangement and construction Dwg. No. 1873, dated 28 March 1941, and revised 12 September 1947, manufactured by the Welin Davit and Boat Division of American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/197/0, 18.0' x 5.75' x 2.42' steel oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. 18-2, dated 14 October 1947, revised 10 December 1947, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/205/0, 24' x 8' x 3.6' steel oar-propelled lifeboat, 41-person capacity, identified by general arrangement Dwg. No. OMS-500-A, dated August 1947, submitted by Tregoning Industries, Inc., Seattle, Wash.

Approval No. 160.035/206/0, 18.0' x 6.6' x 2.7' steel oar-propelled lifeboat, type OMS, 18-person capacity, identified by general arrangement Dwg. No. OMS-200-A, dated September 1947, submitted by Tregoning Industries, Inc., Seattle, Wash.

Approval No. 160.035/207/0, 20.0' x 6.8' x 2.9' steel oar-propelled lifeboat, type OMS, 23-person capacity, identified by general arrangement Dwg. No. OMS-300-A, dated August 1947, submitted by



Tregoning Industries, Inc., Seattle, Wash.

Approval No. 160.035/211/0, 22.0' x 7.5' x 3.17' steel oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. 22-2, dated 17 April 1946, revised 21 October 1946 and 10 December 1947, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10)

#### BOILERS, HEATING

Heating boilers, cast iron copper tube, maximum steam or hot water pressure of 15 p. s. i., Dwg. No. D-6245, manufactured by Bryan Steam Corp., Peru, Ind., for the following Models:

Approval No.	Model No.	Available B. t. u. rating (thousands)
162.003/54/0	17	207
162.003/55/0	19	306
162.003/56/0	111	450
162.003/57/0	113	540
162.003/58/0	115	810
162.003/59/0	117	1,188
162.003/60/0	122	1,580

(R. S. 4417a, 4418, 4426, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

#### FIRE EXTINGUISHERS, HAND, PORTABLE, CARBON-DIOXIDE TYPE

Approval No. 162.005/18/0, General Quick Aid Sno Fog Fire Guard model 5-AKS, 5-pound carbon-dioxide hand portable fire extinguisher, assembly Dwg. No. C-205-X dated 22 July 1947, name plate Dwg. No. C-205-2 dated 4 February 1947, revised 20 June 1947, manufactured by General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

(R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.5-1, 61.13, 77.13, 95.13, 114.15)

#### FIRE EXTINGUISHERS, HAND, PORTABLE, DRY-POWDER TYPE

Approval No. 162.010/1/0, Ansul 20, dry chemical carbon-dioxide cartridge type fire extinguisher, rated equivalent to 15 pound carbon-dioxide type or 2½-gallon foam type fire extinguisher for shipboard use, assembly Dwg. No. DV-596, dated 14 August 1946, Rev. 3 dated 3 December 1946, name plate Dwg. No. DV-568 dated 31 May 1946, Rev. 2 dated 5 July 1946, manufactured by Ansul Chemical Co., Marinette, Wis.

Approval No. 162.010/2/0, Ansul 30, dry chemical carbon-dioxide cartridge type fire extinguisher, rated equivalent to 15 pound carbon-dioxide type or 2½-gallon foam type fire extinguisher for shipboard use, assembly Dwg. No. DV-663 dated 12 September 1946, Rev. 3 dated 3 December

1946, name plate Dwg. No. DV-570 dated 6 June 1946, Rev. 2 dated 5 July 1946, manufactured by Ansul Chemical Co., Marinette, Wis.

(R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 28.3-5, 34.5-1, 61.13, 77.13, 95.13, 114.15)

#### BACKFIRE FLAME ARRESTORS FOR CARBURETORS

Approval No. 162.015/22/0, model No. 20915, backfire flame arrestor for carburetors, assembly Dwg. No. 20915, Rev. A dated 21 October 1947, elbow Dwg. No. 20919 Rev. G, dated 22 October 1947, manufactured by Nordberg Manufacturing Co., Milwaukee 7, Wis.

Approval No. 162.015/23/0, model No. 20916, backfire flame arrestor for carburetors, assembly Dwg. No. 20915, Rev. A, dated 21 October 1947, elbow Dwg. No. 20918, Rev. D, dated 22 October 1947, manufactured by Nordberg Manufacturing Co., Milwaukee 7, Wis.

Approval No. 162.015/24/0, model No. 20840, backfire flame arrestor for carburetors, assembly Dwg. No. 20915, Rev. A, dated 21 October 1947, elbow Dwg. No. 20922-V, Rev. B, dated 23 October 1947, manufactured by Nordberg Manufacturing Co., Milwaukee 7, Wis.

(54 Stat. 165, 166; 46 U. S. C. 526i, 526p; 46 CFR 25.6-1, 26.4-1, 27.4-1)

#### GAS RANGES USING PROPANE OR BUTANE GASES

Approval No. 162.020/2/0, Magic Chef gas range, model 461-14, using liquefied petroleum gas, approval certificate issued by the American Gas Association, Inc., AGA Report No. 1-909-4.01, manufactured by The American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 32.9-11, 61.25, 77.24, 95.24, 114.25)

#### STRUCTURAL INSULATIONS

Approval No. 164.007/22/0, "Baldwin-Hill 8-Pound Felt," mineral wool type structural insulation identical to that described in National Bureau of Standards' letter, file III-6/26, dated 16 July 1943, approved for use without other insulating material to meet Class A-60 requirements in a 3" thickness and 8 pounds per cubic foot density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

Approval No. 164.007/23/0, "Baldwin-Hill Mono-Block," mineral wool type structural insulation identical to that described in National Bureau of Standards' Test Reports Nos. TG3619-47, FR1820, dated 7 January 1941, and TG3610-1493, FP2569, dated 10 November 1947, boards approved for use without other insulating material to meet Class A-60 requirements in a 2" thickness and 18 pounds per cubic foot density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a,

404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

#### BULKHEAD PANELS

Approval No. 164.008/22/0, "Almarine-M," hollow aluminum, insulation filled bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3630-1, FP2562, dated 31 October 1947, approved as meeting Class B-15 requirements in a 2½" thickness when filled with 2" of Eagle Picher Mineral Wool and with two 0.025" asbestos paper inserts, manufactured by Martin-Parry Corp., York, Pa.

Approval No. 164.008/23/0, "Almarine-A," hollow aluminum, asbestos board core bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3630-2, FP2563, dated 31 October 1947, approved as meeting Class B-15 requirements in a 2½" thickness when fitted with a ¼" asbestos mill-board or ⅜" J-M Marine Sheathing core and with two 0.025" asbestos paper inserts, manufactured by Martin-Parry Corp., York, Pa.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

#### INCOMBUSTIBLE MATERIALS

Approval No. 164.009/10/0, "Fiberglas Insulation Type TW-MC," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1493, FP2569, dated 10 November 1947, approved in a 3¼ pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio.

Approval No. 164.009/11/0, "Ocean-Lite," plaster type incombustible material identical to that described in National Bureau of Standards Test Report No. TG367-130, FP2579, dated 15 December 1947, manufactured by Oceanic Insul-Lite Corp., 464 Baltic Street, Brooklyn 17, N. Y.

Approval No. 164.009/12/0, "Thermoflex," plaster type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1496, FP2574, dated 4 December 1947, manufactured by Kompolite Co., Inc., 111-115 Clay Street, Greenpoint, Brooklyn 22, N. Y.

Approval No. 164.009/13/0, "J-M Transite," asbestos cement board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1495, FP2573, dated 28 November 1947, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y.

Approval No. 164.009/14/0, "J-M BX-4M," mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1493, FP2569, dated 10 November 1947, approved in a 3 and 4 pounds per cubic foot density; manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a,



404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

**LIFE PRESERVERS, CORK AND Balsa WOOD  
(JACKET TYPE)**

Approval No. A-338, standard adult cork life preserver, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco, Calif.

Approval No. A-339, standard child cork life preserver, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco, Calif.

Approval No. A-340, standard adult balsa wood life preserver, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco, Calif.

Approval No. A-341, standard child balsa wood life preserver, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco, Calif.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 28.4-1, 33.6-1, 59.55, 60.48, 76.52, 94.52, 113.44)

**FIRE INDICATING AND ALARM SYSTEMS**

Fire alarm annunciator, automatic, supervised, assembly Dwg. No. D-60932, Alt. 3, details, Dwg. No. D-60933, Alt. 2 and Dwg. No. D-60934, Alt. 1, schematic wiring diagram, Dwg. No. C-60898, Alt. 2, manufactured by C-O-Two Fire Equipment Co., Box 390, Newark 1, N. J.

Fire alarm remote manual alarm box, Dwg. No. C-60992, Alt. 0, manufactured by C-O-Two Fire Equipment Co., Box 390, Newark 1, N. J.

Fire alarm system battery charging panel, Dwg. No. D-60993, Alt. 1, manufactured by C-O-Two Fire Equipment Co., Box 390, Newark 1, N. J.

(R. S. 4417a, 4418, 4426, 4470, 4471, 4483, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463, 463a, 464, 476, 1333, 50 U. S. C. 1275)

**FIRE EXTINGUISHING SYSTEMS, PORTABLE**

Portable foam fire extinguishing system for cargo spaces of tank vessels, National Aer-O-Foam hose application type, one unit consisting of one National Aer-O-Foam nozzle with pick-up tube, Type RP-3, assembly Dwg. No. B-16-2, dated 4 June 1945, and 2 cans of National Aer-O-Foam liquid; approved for a superficial liquid area not exceeding 250 square feet, multiple units may be used to protect greater areas in the ratio of one unit for each 250 square feet or fraction thereof to be protected; manufactured by National Foam System, Inc., southeast corner Fifteenth and Chestnut Streets, Philadelphia 2, Pa.

Portable foam fire extinguishing system for cargo spaces of tank vessels, National Aer-O-Foam hose application type, one unit consisting of one National Aer-O-Foam nozzle with pick-up tube, Type RP-6, assembly Dwg. No. B-16-3, dated 4 June 1945, and 4 cans of National Aer-O-Foam liquid; approved for a superficial liquid area not exceeding 500 square feet, multiple units may be used to protect greater areas in the ratio of one unit for each 500 square feet or fraction thereof to be protected; manufactured

No. 30—2

by National Foam System, Inc., southeast corner Fifteenth and Chestnut Streets, Philadelphia 2, Pa.

Portable foam fire extinguishing system for cargo spaces of tank vessels, National Aer-O-Foam hose application type, one unit consisting of one National Aer-O-Foam nozzle with pick-up tube, Type RP-12, assembly Dwg. No. C-16-4, dated 6 August 1945, and 8 cans of National Aer-O-Foam liquid; approved for a superficial liquid area not exceeding 1,200 square feet, multiple units may be used to protect greater areas in the ratio of one unit for each 1,200 square feet or fraction thereof to be protected; manufactured by National Foam System, Inc., southeast corner Fifteenth and Chestnut Streets, Philadelphia 2, Pa.

(R. S. 4417a, 4426, 4470, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 463, 463a, 404, 526g, 526p, 1333, 50 U. S. C. 1275)

Dated: February 5, 1948.

[SEAL] J. F. FARLEY,  
Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 48-1279; Filed, Feb. 11, 1948;  
8:54 a. m.]

**DEPARTMENT OF THE INTERIOR**

**Bureau of Reclamation**

**SHOSHONE PROJECT, WYOMING**

**FIRST FORM RECLAMATION WITHDRAWAL**

**Correction**

In Federal Register Document 48-9150, appearing on page 6726 of the issue for Saturday, October 11, 1947, the land description should read:

T. 52 N., R. 97 W.,  
Sec. 22, NE¼;  
Sec. 27, Lot 31.

**FEDERAL TRADE COMMISSION**

[Docket No. 5521]

**MID-WEST NOVELTY CO.**

**ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1948.

In the matter of Isaac Joseph Olsher, an individual trading as Mid-West Novelty Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony and the receipt of evidence in this proceeding begin on Wednesday, February 11, 1948, at two o'clock in the afternoon of that day (eastern standard

time), Room 19, Federal Building, Kalamazoo, Michigan.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 48-1280; Filed, Feb. 11, 1948;  
8:54 a. m.]

**INTERSTATE COMMERCE  
COMMISSION**

[S. O. 790, Amdt. 6 to Special Directive 7]

**MONTOUR RAILROAD CO.**

**DIRECTIVE TO FURNISH CARS FOR  
RAILROAD COAL SUPPLY**

Upon further consideration of the provisions of Special Directive No. 7 (12 F. R. 8281, 8874) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

*It is ordered*, That Special Directive No. 7, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof.

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine	Cars	
	Per day	Per week
Grant 2 (Boggs-Sunnyhill).....		2
Imperial (Sunnyhill).....	4	
Irma and Ruth (Sherry Dock-Import).....	4	
Rider 3 and 4 (Aloe).....	9	

A copy of this amendment shall be served upon The Montour Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1274; Filed, Feb. 11, 1948;  
8:48 a. m.]



## NOTICES

[S. O. 790, Amdt. 1 to Special Directive 32]

## BALTIMORE AND OHIO RAILROAD CO.

## DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 32 (13 F. R. 101), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

*It is ordered*, That Special Directive No. 32, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof:

(1) To furnish weekly to the Cranblett No. 1 mine at Myersdale, Penna., 19 cars for the loading of the Terminal Railroad Association of St. Louis fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1275; Filed, Feb. 11, 1948;  
8:48 a. m.]

[S. O. 790, Amdt. 1 to Special Directive 33]

## WESTERN ALLEGHENY RAILROAD CO.

## DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 33 (13 F. R. 162) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

*It is ordered*, That Special Directive No. 33, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish daily to the Brady No. 3 (Don Kaylor) three cars for the loading of Pennsylvania Railroad fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this special directive shall be served upon the Western Allegheny Railroad Company and notice of this directive shall be given to the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1276; Filed, Feb. 11, 1948;  
8:48 a. m.]

[S. O. 790, Amdt. 2 to Special Directive 34]

## NEW HAVEN &amp; DUNBAR RAILROAD CO.

## DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 34 (13 F. R. 162, 301), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

*It is ordered*, That Special Directive No. 34, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof:

(1) To furnish daily to the Dunbar mine two cars for the loading of Pennsylvania Railroad fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this amendment shall be served upon the New Haven & Dunbar Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1277; Filed, Feb. 11, 1948;  
8:48 a. m.]

[S. O. 790, Special Directive 44]

## PITTSBURGH, CHARTIERS &amp; YOUGHIOGHENY RAILWAY CO.

## DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On January 31, 1948, The Pennsylvania Railroad Company and the Long Island Railroad Company certified that they had on that date in storage and in cars a total supply of less than sixteen days of fuel coal, and that it is immediately essential that they increase their coal supply from certain mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order 790, The Pittsburgh, Chartiers & Youghioghenny Railway Company is directed:

(1) To furnish to Englert Mine 3 cars daily and one car daily to the Phillips Mine for the loading of The Pennsylvania Railroad Company and the Long Island Railroad Company fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Pennsylvania Railroad Company and the Long Island Railroad Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Pittsburgh, Chartiers & Youghioghenny Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1278; Filed, Feb. 11, 1948;  
8:48 a. m.]

[S. O. 790, Amdt. 10 to Corr. Special Directive 1]

## PENNSYLVANIA RAILROAD CO.

## DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 1 (12 F. R. 7950), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

*It is ordered*, That Corrected Special Directive No. 1, be, and it is hereby amended by substituting Appendix A hereof for Appendix A thereof.

A copy of this amendment shall be served upon The Pennsylvania Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February, A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

## APPENDIX A

Mine	Cars	
	Per day	Per week
A & A		4
Adams	3	
Allen	2	
Armstrong	10	
Banks-West, Bituminous	7	
Bear Run-Mt. Branch	6	
Bennett		4
Bethany	9	
Betsy	8	
Bigelow Run	4	
Birch Creek No. 3	8	
Bolivar	3	
Bostonia 9 and 10	3	
Bowers		2
Braeburn-Wildcat	3	



## APPENDIX A—Continued

Mine	Cars	
	Per day	Per week
Bucher	4	
Bulger 2 and 3	8	
Cambria	1	
Captina	1	
Catfish	1	
Cathy-Luxnor	5	
Chinook	32	
Cipolla		2
Costanzo	5	
Crawford	1	
Creighton		4
Decker	2	
Delmont 10	10	
Diamond Smokeless	3	
Dorothy-Florence	20	
Dun Glen	35	
Ella	3	
Enterprise	2	
Eureka 35, 37, 40	4	
Export	5	
Farrar-Nagode	10	
Fike	2	
Fleck 4	3	
Florence (Harmon Creek)	33	
Foster	43	
Francis	37	
Fulton 1 and 3	2	
Gander-Walsh	2	
Gilpin	7	
Graceton	1	
Graff 1 and 2	15	
Hankey	4	
Hanlin	33	
Harklercad	1	
Hays 2	6	
Hillcrest	10	
Hillside 1	2	
Hough & Friesno	1	
Huskin 6	2	
Irwin 11	4	
Jamison 2, 20, 21	11	
Jane	4	
Jones	2	
Jordan	5	
Joyce 1 and 3	5	
Kenbrook	10	
Kish	2	
Kiski Valley	7	
Knox 1, 2, 5	46	
Lambert, B & M, and various	1	
Lamkie	2	
Lemont-Hankins	3	
Lewis	2	
Lindley-Midland	34	
Lloyd 3 and 4	7	
Locust Grove	28	
Lucerne	1	
Mac	2	
Magnolia		2
Maher 4	6	
Mateer	4	
Mathies	4	
Maud (Teodori)	2	
Mautz		4
Mayview-McGovern	4	
McCombie 2	1	
McCullough	5	
McShane	2	
Meehan	2	
Lindsey 8	1	
Mercury 2	5	
Mid Penn 4	8	
Langeloth	3	
Militant & Cooper Smokeless	3	
Miller Strip	4	
Miller	4	
Milligan		3
Mimms	1	
Mooween	1	
Mosgrove	2	
Mullett	26	
Navy Smokeless	1	
North Side	1	
Painter	2	
Panhandle	8	
Parrall	3	
Paris 1 and 2	8	
Park	12	
Patoka	2	
Patsch	10	
Pennsylvania 8 and 10	3	
Penn Valley	8	
Poole	4	
Powhatan	16	
Presutti 2	8	
Primrose 2 and 4	4	
Rea		2
Reitz 2, 3, 4, 5, 8	3	
Regent	4	
Rhems	3	
Richland	2	
Rose	2	
Rose Hill	15	
Rush	8	
Salina	1	

## APPENDIX A—Continued

Mine	Cars	
	Per day	Per week
Saxon	4	
Schlegel	8	
Segar	2	
Shasta	3	
Sherman	3	
Smith 1 and 2	1	
Standard 1	2	
Standard 9-Sasso 5	28	
Standard 10	11	
Sterling		4
Stinegan 3	4	
Summit 4		3
Sunshine	4	
Superior 1 and 3	3	
Superior 3	3	
Sycamore 26, 27, 30	10	
Ten X	6	
Testa	4	
Thomassey	1	
Tunnelton	2	
Universal 1 and 2	3	
Valley	14	
Valley Camp 1, 3, 4, 5	25	
Vegler	11	
Venturini	3	
Virginia 14		3
Walnut Grove	1	
Washington (Ontario, Oakmont)	10	
Washington (Con. Division)		4
Webco	5	
Webb	39	
Yockey	1	

[F. R. Doc. 48-1271; Filed, Feb. 11, 1948;  
8:59 a. m.]

[S. O. 790, Amdt. 6 to Special Directive 5]

**PITTSBURGH & SHAWMUT RAILROAD CO.**  
**DIRECTIVE TO FURNISH CARS FOR RAILROAD**  
**COAL SUPPLY**

Upon further consideration of the provisions of Special Directive No. 5 (12 F. R. 7952) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

*It is ordered*, That Special Directive No. 5, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mines	Cars per day
Fairview-Coheen (Hetrick)	1
Meade Run	5
Seneca and various	10

A copy of this amendment shall be served upon The Pittsburgh & Shawmut Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1272; Filed, Feb. 11, 1948;  
8:59 a. m.]

[S. O. 790, Amdt. 6 to Special Directive 6]

**MONONGAHELA RAILWAY CO.**

**DIRECTIVE TO FURNISH CARS FOR RAILROAD**  
**COAL SUPPLY**

Upon further consideration of the provisions of Special Directive No. 6 (12 F. R. 7952) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

*It is ordered*, That Special Directive No. 6, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

**APPENDIX A**

Mine	Cars	
	Per day	Per week
Brock & National	8	
Byrne 2	1	
Christopher 2 and 3	3	
Fast & Merryman	5	
Jamison 11	4	
LaBelle-Old LaBelle		3
Love 4	2	
Martin 2	2	
Mon-Ark 5	4	
Poland	5	
Pursglove 2	25	
Rosedale 1 and 2, Mon	8	
Whiteley	7	

A copy of this amendment shall be served upon The Monongahela Railway Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1273; Filed, Feb. 11, 1948;  
8:59 a. m.]

**SECURITIES AND EXCHANGE**  
**COMMISSION**

[File Nos. 34-9, 34-41, 70-28]

**FEDERAL WATER SERVICE CORP. ET AL.**

**ORDER DENYING PETITION FOR REHEARING,**  
**RECONSIDERATION AND MODIFICATION OF**  
**ORDER AND DENYING REQUEST FOR CONSOLI-**  
**DATION**

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of February A. D. 1948.

In the matter of Federal Water Service Corporation, Utility Operators Company, Federal Water and Gas Corporation, Files Nos. 34-9, 34-41, 70-28.

Chenery Corporation, H. M. Erskine, R. H. Neilson, W. A. Culin, F. T. Tansill, H. D. McHenry, T. H. Wiggin, C. M. Chenery, J. N. Greene, H. G. Calder, C. P. Rather, William E. Matthews, III, C. van



den Berg, Jr., W. R. Edwards, Watson Dark, E. C. Deal, F. R. Harris, and E. C. Elliott ("petitioners"), holders of preferred stock of Federal Water Service Corporation, predecessor of Federal Water and Gas Corporation, having filed a petition in these proceedings requesting rehearing, reconsideration and modification of, and further argument with respect to an order, entered by the Commission on February 7, 1945 and affirmed after the decision of the Supreme Court of the United States rendered June 27, 1947;

The petitioners having, on the basis of the allegations in said petition and petitioners' brief in support thereof, further requested consolidation of these proceedings with those in the matter of Federal Water and Gas Corporation et al. (Files Nos. 54-56, 59-61 and 59-35); and

The Commission having considered the petition and the grounds set forth therein and in petitioners' supporting brief, and finding that no adequate basis has been presented for granting the requested rehearing with respect to the order of February 7, 1945 or undertaking further reexamination of the issues determined by the Commission and reviewed by the Court of Appeals for the District of Columbia and the Supreme Court of the United States (see 8 S. E. C. 893 (1941), 10 S. E. C. 200 (1941), 128 F. 2d 303 (App. D. C. 1942), 318 U. S. 80 (1943), — S. E. C. — (1945), Holding Company Act Release No. 5584, 126 F. 2d 6 (App. D. C. 1946), — U. S. — (June 23, 1947));

It is ordered, That the petition for rehearing, reconsideration and modification of, and further argument with respect to, the order of the Commission of February 7, 1945 be and it hereby is denied; and

It is further ordered, That petitioners' said request for consolidation be and hereby is denied.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-1268; Filed, Feb. 11, 1948;  
8:47 a. m.]

[File No. 70-1683]

#### CINCINNATI GAS & ELECTRIC CO.

#### SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of February 1948.

The Cincinnati Gas & Electric Company ("Cincinnati"), a subsidiary of The United Corporation, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to, among other things, the issue and sale by it of an additional 204,000 shares of its common stock to its own common stockholders at the rate of one share of such common stock for each ten shares of common stock held by

them; and the Commission having, by order dated January 12, 1948 granted and permitted said application-declaration to become effective; and

Cincinnati having, on February 6, 1948, filed a further amendment to said application-declaration, in which it is stated that of the 204,000 shares of such common stock offered by the company, 188,489 shares, or approximately 92.4%, were subscribed for upon the exercise of subscription warrants which expired on February 2, 1948, and that of the remaining 15,511 shares, approximately 7,700 will be reserved for present sale to directors and employees of the company and its subsidiaries, and the balance of approximately 7,811 shares will be sold to a group of underwriters, headed by W. E. Hutton & Co.; and

The amendment further stating that the purchase price per share to be paid to the company by said directors, employees and underwriters will be the initial offering price per share less \$1.50 per share for underwriting discounts and commissions, and the initial offering price per share will be a fixed price to be determined by agreement between the company and the underwriters and will be either:

(a) The last reported sale price of the common stock of the company, regular way, on the New York Stock Exchange prior to the making of the initial offering of the shares by the several purchasers, or

(b) A price not lower than the last bid price and not higher than the last asked price, regular way, on such exchange prior to the making of such initial offering; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the remaining 15,511 shares of the common stock;

It is hereby ordered, That the said application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations under the Act.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-1266; Filed, Feb. 11, 1948;  
8:46 a. m.]

[File Nos. 70-1689, 70-1733]

#### PUBLIC SERVICE CO. OF NEW HAMPSHIRE AND NEW ENGLAND PUBLIC SERVICE CO.

#### NOTICE OF FILING OF AMENDMENT AND APPLICATION AND NOTICE OF AND ORDER RECONVENING HEARINGS AND CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of February A. D. 1948.

In the matter of Public Service Company of New Hampshire, File No. 70-

1689; New England Public Service Company, File No. 70-1733.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company ("NEPSCO"), a registered holding company, having filed an application, and amendments thereto, under section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the issuance and sale, at competitive bidding, of \$3,000,000 principal amount of First Mortgage Bonds, Series C, ---%, due 1978, and 139,739 shares of additional common stock, \$10 par value (subject to a preemptive offer to the holders of the company's outstanding common stock); and applicant having requested at the time of the hearing that only the issuance and sale of bonds be considered at that time and that the issues relating to the sale of common stock be deferred until a later date, and the Commission having granted said request; and the Commission having, on December 23, 1947, granted said application, as amended, insofar as it related to the issuance and sale of bonds and having reserved jurisdiction, inter alia, with respect to the issuance and sale of common stock:

Notice is hereby given that New Hampshire has now filed a further amendment to its application herein proposing the issuance and sale of common stock.

Notice is further given that NEPSCO, in connection with the sale of the common stock by New Hampshire, has filed an application, and an amendment thereto, with this Commission, pursuant to sections 9, 10 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 promulgated thereunder.

All interested persons are referred to said amendment filed by New Hampshire and to the application filed by NEPSCO, which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

New Hampshire proposes, in said amendment, to issue and sell for cash 199,627 shares of additional common stock, \$10 par value, at a price to be determined, such shares to be offered first to the holders of the company's outstanding common stock for subscription in accordance with their presumptive rights. The subscription offer will be made by the issue to stockholders of negotiable warrants evidencing the right to subscribe for such stock on the basis of one share of new common stock for each 3½ shares of presently outstanding common stock. The subscription period will be not less than 15 days as required by the Statutes of the State of New Hampshire.

New Hampshire further proposes to issue and sell to a group of underwriters, represented by Kidder, Peabody and Co. and Blyth & Co., Inc., for resale to the public, all of the new common stock which is not subscribed for by stockholders. It also proposes, prior to the making of the subscription offer, to enter into an underwriting agreement which will provide that the underwriters, upon termination of the subscription period, will purchase the unsubscribed stock from the company. It is stated in said



amendment that the underwriting agreement will not limit or restrict the right of the underwriters to offer unsubscribed stock for sale during the subscription period on a "when, as and if" basis, subject to the prior right of stockholders to take shares of new common stock pursuant to the subscription offer. It is further stated that the underwriters will receive a fee as compensation for remaining obligated during the subscription period to purchase the unsubscribed stock and for their services as underwriters in distributing such unsubscribed stock. In order to effectuate such sale, New Hampshire has requested an exemption from the competitive bidding requirements of Rule U-50. The price at which the unsubscribed shares will be purchased by the underwriters will be the price at which the new common stock is offered for subscription by stockholders. The price and the amount of underwriters' compensation will be supplied by amendment.

The net proceeds to be received by New Hampshire from the sale of common stock will be used to reimburse the treasury of the company for amounts expended for its construction program, including repayment of short-term bank borrowings (aggregating \$2,120,000 at January 29, 1948) incurred for the interim financing of such expenditures, to provide funds to meet further construction requirements and for other corporate purposes.

It is represented by New Hampshire that the Public Service Commissions of the States of New Hampshire and Vermont have jurisdiction over the proposed issuance and sale of common stock.

NEPSCO, owner of 70.68% of the common stock of New Hampshire, states in its application that, upon the granting of New Hampshire's application, as amended, and the preemptive offering of the latter's common stock, it will receive 987,713 negotiable subscription warrants or "rights" which will give it the right to subscribe for 141,101 $\frac{1}{2}$  shares of new common stock of New Hampshire.

NEPSCO proposes, in said application, to either (a) sell such negotiable subscription warrants or (b) exercise its right thereunder and purchase 141,101 shares of the new common stock of New Hampshire and immediately sell the same. It further proposes, prior to the making of the subscription offer by New Hampshire, to enter into an agreement with Kidder, Peabody & Co. and Blyth & Co., Inc., on one of the alternative bases, and requests an exemption from the competitive bidding requirements of Rule U-50 in order to effectuate such sale. It is stated in said application that it is anticipated that these rights will have a market value.

It is further stated that NEPSCO does not have sufficient funds to purchase the new common stock of New Hampshire to which it is entitled under the negotiable subscription warrants and can only exercise such rights to subscribe upon an unconditional guarantee from the said underwriters to purchase such new common stock and pay for the same in cash. The price at which NEPSCO will sell its negotiable warrants, if it shall decide to do so or, in the alternative, the price at

which it shall resell the new common stock of New Hampshire, will be determined by negotiation with the underwriters and such prices will be supplied by amendment.

The net proceeds to be received by NEPSCO, in case it shall sell the negotiable subscription warrants, will be applied to the reduction of its bank loan of \$13,100,000, or in case it shall elect to subscribe for the new common stock of New Hampshire and resell the same, the net proceeds will be applied to the reduction of said bank loan.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings be held with respect to the matters set forth in the amendment of New Hampshire and the application of NEPSCO, and that said application, as further amended, of New Hampshire, as it relates to the issuance and sale of common stock, and the application of NEPSCO should not be granted except pursuant to further order of this Commission; and

It further appearing that the proceedings with respect to the amendment of New Hampshire (File No. 70-1689) and the proceedings with respect to the application of NEPSCO (File No. 70-1733) are related and involve common questions of law and fact and that substantial savings of time and expense will result if such proceedings are consolidated and heard together, and that the hearings heretofore held in the proceeding filed by New Hampshire (File No. 70-1689) should be reconvened:

*It is ordered*, That the proceeding with respect to the amendment to its application filed by New Hampshire (File No. 70-1689) and the proceedings with respect to the application filed by NEPSCO (File No. 70-1733) be, and the same hereby are consolidated for hearing, without prejudice, however, to the right of the Commission to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, matters or questions herein set forth or which may arise in these proceedings or to take such other action as may appear necessary or appropriate to an orderly, prompt and economical disposition of the matters involved.

*It is further ordered*, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that the hearings in the above entitled proceeding (File No. 70-1689), be reconvened on February 16, 1948, at 10 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on such date by the hearing room clerk in Room 101 for the purpose of adducing evidence with respect to the matters set forth in said amendment of New Hampshire and the application of NEPSCO, and for the purpose of affording opportunity to all interested persons to be heard.

*It is further ordered*, That Willis B. Monty, the hearing officer previously designated, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside

at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the amendment filed by New Hampshire and of the application filed by NEPSCO and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issue and sale of common stock by New Hampshire is solely for the purpose of financing the business of the company and has been expressly authorized by the State Commissions of the States in which the company is organized and doing business.

2. Whether the proposed acquisition and subsequent sale by NEPSCO of subscription warrants or shares of new common stock of New Hampshire meet the applicable standards of the act, including sections 10 and 12 (d) thereof.

3. Whether the requested exemptions from the competitive bidding requirements of Rule U-50 by New Hampshire and by NEPSCO should be granted and whether any terms and conditions should be imposed in the public interest or for the protection of investors and consumers should such exemptions be granted.

4. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are reasonable.

5. Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to accepted accounting principles.

6. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions with reference to the proposed transactions and, if so, what the terms and conditions should be.

*It is further ordered*, That particular attention be directed at said hearing to the foregoing matters and questions.

*It is further ordered*, That any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before February 13, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Public Service Company of New Hampshire, New England Public Service Company, the New Hampshire Public Service Commission, The Vermont Public Service Commission, and the Federal Power Commission; and that notice of said reconvened hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission, which shall be distributed to the press and mailed to the mailing



list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-1269; Filed, Feb. 11, 1948;  
8:47 a. m.]

[File No. 70-1722]

MINNESOTA POWER & LIGHT CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of February A. D. 1948.

Notice is hereby given that Minnesota Power & Light Company ("Minnesota"), a registered holding company and utility subsidiary of American Power and Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935. Applicant-declarant designates sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 16, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration as amended which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after February 16, 1948, at 5:30 p. m., e. s. t., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration as amended which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Minnesota proposes to amend its charter in the following respects: (a) To provide for preemptive rights to the holders of the common stock of Minnesota with respect to any offering of common stock or security convertible into common stock for money other than with respect to a public offering of such shares; (b) to provide that the provisions with respect to (1) preemptive rights and (2) the requirement that the consideration received from the issuance and sale of additional shares of common stock without nominal or par value is to be entered in the capital stock account, may not be changed except by consent of two-thirds of the number of shares of common stock outstanding; (c) to provide for cumu-

lative voting for the holders of shares of common stock; (d) to authorize the company to sell certain securities in order to acquire funds with which to redeem stock, and (e) to authorize the Board of Directors to amend the company's by-laws except with respect to the number, qualifications, classifications or terms of office of such directors or with respect to the number of shares of stock required to constitute a quorum for the purpose of holding a stockholders' meeting.

The application-declaration requests that the Commission's order herein be issued as promptly as may be practicable in order that Minnesota may proceed with the contemplated sale of its common stock and requests further that such order shall be effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-1270; Filed, Feb. 11, 1948;  
8:47 a. m.]

[File No. 70-1731]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of February 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company ("Delaware"), a registered holding company and an electric utility company, and its wholly owned subsidiary, The Eastern Shore Public Service Company of Maryland ("Eastern Shore"), an electric utility company. Applicants-declarants have designated sections 6 (b), 9 (a), 12 (d) and 12 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 27, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 28, 1948, said joint application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commis-

sion for a statement of the transactions therein proposed, which are summarized as follows:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1949, up to \$2,000,000 principal amount of its 3½% promissory notes due October 1, 1973 and 20,000 shares of its common stock of the par value of \$100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, which will not exceed \$4,000,000, is to be used to finance Eastern Shore's construction program and to reimburse its treasury for money previously expended for such construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943, in accordance with the provisions of the Indenture of Mortgage.

The proposed transactions have been submitted to the Public Service Commission of Maryland for its approval.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-1265; Filed, Feb. 11, 1948;  
8:46 a. m.]

[File No. 70-1732]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of February 1948.

Notice is hereby given that Union Electric Company of Missouri ("Union"), a registered holding company and a public utility company and a subsidiary of The North American Company, and The North American Company ("North American"), also a registered holding company, have filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("the Act") and the rules and regulations promulgated thereunder. Applicants-declarants have designated sections 6 (a), 6 (b), 7, 9 (a) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 20, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules



U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to reduce its common capital by \$2,500,000, by reducing the aggregate stated capital represented by its outstanding common stock, without par value, from \$62,500,000 to \$60,000,000, and, upon such proposed reduction becoming effective, to issue and sell to North American (which presently owns all outstanding common stock of Union) 100,000 additional shares of common stock, without par value, of Union at the price of \$50 per share; and North American proposes to acquire said shares of common stock of Union.

The application-declaration sets forth that Union desires to create capital surplus, in the amount of \$2,500,000, in order to provide for the disposition of a portion of Union's original cost adjustments in accordance with proposals made by Union to the Federal Power Commission and the Public Service Commission of Missouri. Union represents that of its total original cost adjustments aggregating \$10,309,835.33, more than \$2,500,000 arose in connection with capital transactions which, it is stated, are represented by Union's outstanding common capital stock.

The applicants-declarants further represent that they desire to effect the purchase and sale of the additional common stock of Union in order to provide Union with additional funds toward defraying the costs of its construction program and that of its wholly owned subsidiary, Union Electric Power Company.

Applicants-declarants state that the Public Service Commission of Missouri has certain jurisdiction over the proposed sale and purchase of the additional common stock of Union and that the Federal Power Commission and the Public Service Commission of Missouri each have certain jurisdiction over authorization of accounting entries and approval of original cost for accounting purposes.

Applicants-declarants request that the Commission's order with respect to the transactions proposed be issued by February 27, 1948, at the latest.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-1264; Filed, Feb. 11, 1948; 8:46 a. m.]

[File No. 70-1735]

#### MINNESOTA POWER & LIGHT CO.

#### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of February A. D. 1948.

Notice is hereby given that Minnesota Power & Light Company ("Minnesota"), a registered holding company and utility

subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Minnesota proposes to issue and sell 100,000 shares of common stock without par value. The application-declaration requests that the proposed transaction be exempted from the competitive bidding requirements of Rule U-50 and further proposes that in the event such exemption is granted the underwriter or underwriters purchasing said common stock will offer to include in their group of dealers all security dealers in good standing as members of the National Association of Securities Dealers within the area served by Minnesota and its subsidiary. The application-declaration states that the proceeds from the proposed sale of common stock will be used in connection with Minnesota's construction program.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission:

*It is ordered*, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on February 17, 1948, at 10 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the Hearing Room Clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before February 16, 1948, a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

*It is further ordered*, That Allen MacCullen or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the application-declaration and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the common stock proposed to be issued meets the applicable standards of the act, particularly section 7 thereof.

2. Whether the terms and conditions of the common stock proposed to be issued are detrimental to the public interest or the interest of investors and consumers.

3. Whether the requested exemption from the competitive bidding requirements of Rule U-50 with respect to the proposed sale of common stock should be granted, and whether any terms and conditions should be imposed in the public interest or for the protection of investors or consumers should such exemption be granted.

4. Whether the proposed accounting treatment with respect to the proposed transactions is proper and in conformity with sound accounting principles.

5. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are reasonable.

6. Generally whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

7. Whether in the event that the application-declaration is granted or permitted to become effective, it is necessary or appropriate to impose any terms or conditions to insure compliance with the standards of the act, or in the public interest, or for the protection of investors or consumers.

*It is further ordered*, That particular attention be directed at said hearing to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission serve a copy of this order by registered mail on the applicant-declarant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which publication shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-1267; Filed, Feb. 11, 1948; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 91]

#### CONSOLIDATED AMUSEMENT CO., LTD.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:



Claimant and claim No.	Notice of intention to return published	Property
Consolidated Amusement Co., Ltd., Hawaii Theater Bldg., Post Office Box 3737, Honolulu, T. H., Claim No. 6357.	Dec. 27, 1947 (12 F. R. 8862).	<p>43 Japanese films, together with exclusive exhibition rights in Hawaii and United States, located in Washington, D. C., and in New York, N. Y., identified as follows:</p> <p><i>Title and Reels</i></p> <p>Abare Andon; Annaka Sozaburo, 6; Aogeba Totoshi, 10; Atarashiki Mon, 6; Bakuon, 8; Bokuseki; Chichi Wo Tazunete 3000 Ri, 6; Dokuro Sen Ep No. 1, 7; Dokuro Sen Ep No. 2, 8; Fujikawa No Chikemuri, 7; Fujin Jyungunka, 7; Fuun Shogidani No. 1, 7; Fuun Shogidani No. 2, 9; Haha No Negai, 9; Hana Aru Zasso, 9; Hato, 11; Jidai No Kiri, 11; Kaiko No Uta, 8; Kinuyo No Hatusko, 8; Kirigakure Saizo, 7; Kompira Bune, 6; Kookon, 11; Kurama Tengu Edo Nikki No. 1, 7; Kurama Tengu No. 2, 7; Moyuru Reimei No. 1, 9; Moyuru Reimei No. 2; Mumei Yumei Ep No. 1, 7; Mumei Yumei Ep No. 2, 13; Muneni Saku Hana, 9; Ninjitsu Edojyo, 5; Onna Wa Nakazu No. 1, 14; Oshidori Uta Gassen, 7; Otoko No Tamashii, 7; Shike No Yume, 5-2M; Shingun No Uta, 5; Shunju Ittoryo, 8; Shura Yamabiko No. 1, 15; Shura Yamabiko No. 2, 14; Tsuchi To Heital, 9; Tsuna No Tamashii, 13; Wakazuma, 8; Wakazuma No Yume, 7; Watashi Niwa Otto Ga Aru, 9.</p> <p>All right, title and interest, presently owned by the Attorney General, in and to the following Japanese films, the physical location of which is unknown:</p> <p>Title: Abaredashita Songoku Abare Mono, Aiba Shingun Ka Aijyo Butai, Aizen Goshi, Aizen Katsura No. 1, Aizen Katsura No. 2, Aizen Katsura Kanketsuhen No. 3, Aizen Katsura Zoku No. 4, Ajiya No Musume, Akatsuki Wa Toukaredo, Ane No Himitsu, Awa Tanuki Gassen, Chichi Wa Kudan No Sakura Bana, Chuko Ogasawara Citsune, Date Kyoenroku No. 1, Date Kyoenroku No. 2, Goketsu Ichidai Otoko or Gookai Ichidai Otoko, Haha, Haha No Tamashii, Haha Wo Tateru Uta, Haha Wa Tsuyoshi, Haha Zo Yoku Shiru, Haru No Esugata, Haru No Senpuu, Hatsu Sugata Ninjotobi, Hinotama Kozo, Hito Hada Kannon, Ibara Ukon, Iwa Ni Saku Hana, Josei Kaigan, Junjyo Nijuso No. 1, Junjyo Nijuso No. 2, Jyoi Kinuyo Sensel, Kekkon Mondo, Konjiki No Oni, Ko Wa Takare, Kuroshio, Nanpu, Nekketsu No Michi, Netsujyo No Tsubase, Nizuma Mondo, Nippon Zin No. 1, Nippon Zin No. 2, Iowake Sangaro, Onna Wa Nakazu No. 2, Onna Yo Otoko Wo Sabake, Oshidori Dochu, Otoko Ippiki, Robo No Ishi No. 1, Robo No Ishi No. 2, Ryuko Sookital No. 1 and No. 2 (also known as Ryko Sogi Tai), Saigo No Shinban, Shamsen Bushi, Shinjitsu Ichiro No. 1, Shinjitsu Ichiro No. 2, Shusse Taikoki Ep No. 1, Sokoku No Hanayome, Tengu Kaijyo, Umi No Mamori, Yoi Machi Gusa.</p>

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 6, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1292; Filed, Feb. 11, 1948;  
8:50 a. m.]

[Vesting Order 10482]

THEODOR DELLITH AND JOACHIM SCHLINKER

In re: Personal property owned by Theodor Dellith and Joachim Schlinker. F-28-25355-C-1, F-28-26105-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Dellith and Joachim Schlinker, whose last known addresses are Debstedterweg 64, Wesermuende-Speckenbuettel, Bez, Bremen, Germany, and Hansa Strasse 83, Kiel, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: One sealed envelope, bearing the notation: Herrn Theodor Dellith, Debstedterweg 64, Wesermuende-Speckenbuettel, Bez, Bremen, Germany, presently in the custody of Robert G. Clostermann, 320 Lumbermens Building, Portland, Oregon, together with the contents thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodor Dellith, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. Two steamer trunks, each marked with initials J. N. S., presently in the custody of Robert G. Clostermann, 320 Lumbermens Building, Portland, Oregon, together with the contents thereof, and

b. One sealed envelope, bearing the notation: Herrn Joachim Schlinker, Hansa Strasse 83, Kiel, Germany, presently in the custody of Robert G. Clostermann, 320 Lumbermens Building, Portland, Oregon, together with the contents thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joachim Schlinker, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1282; Filed, Feb. 11, 1948;  
8:49 a. m.]

[Vesting Order 10552]

SUSETTE HEPP

In re: Trust under will of Susette Hepp, deceased. File No. D-28-10511-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Hepp, Ernst Hepp, Carl (Karl) Hepp, Martha Hepp, Emmy (Emmi) Denzinger, and Susie (Susanne) Hepp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Anna Hepp, and of Carl Hepp, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under paragraph Fifth of the will of Susette Hepp, deceased, and presently administered by Continental Illinois National Bank & Trust Co., 231 South LaSalle Street, Chicago, Illinois, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Anna Hepp, and of Carl Hepp, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise



dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1245; Filed, Feb. 10, 1948;  
8:56 a. m.]

Claimant and claim No.	Notice of intention to return published	Property
Adelma Donnini, Richmond, Va., Claim No. 5969.	Dec. 13, 1947 (12 F. R. 8393).	Real property known as No. 3008 Parkwood Ave., formerly 3008 Taylor St., in the city of Richmond, Va., and being the same premises conveyed by Emma E. Haun and M. M. Haun to A. Donnini by deed dated Jan. 16, 1920, and recorded in the Clerk's Office of the Richmond Chancery Court in Deed Book 262 A, p. 58. Real property known as that land lying and being in the county of Henrico, Va., designated as lot five (5) in Block nine (9) of the Plan of Colonial Place, Section "A", of record in the Clerk's Office of Henrico County in Plat Book 9, p. 73, and being the same premises conveyed by Thomas J. Puryear and Eugenia E. Puryear, his wife, to A. Donnini by Deed dated Jan. 4, 1927, and recorded in the Clerk's Office of Henrico County in Deed Book 238-C, p. 385. Real property known and designated as lot numbered twenty-one (21) in Block "C" on the plat of "Rudee Heights", of record in the Clerk's Office of Princess Anne County, Va., in Map Book 7, p. 169, and being the same premises conveyed by Leo Judson to A. Donnini by deed dated Feb. 24, 1928, and recorded in the Clerk's Office of Princess Anne Circuit Court on Mar. 13, 1928. The sum of \$13,817.14 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 6, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1293; Filed, Feb. 11, 1948;  
8:51 a. m.]

[Vesting Order 10553]

PAULINA HESSE

In re: Trust u/w of Paulina Hesse, deceased. File No. D 28-9295. E. T. sec. 12244.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hildegard Schmieder, nee Zerrenner, Erna Zerrenner, Karl Zerrenner, Herbert Zerrenner, Walter Zerrenner, Clara Eiselt, nee Feustel, Albert Feustel, and Alban Feustel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary representatives, heirs, next of kin, legatees and distributees of Alfred Zerrenner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them,

No. 30—3

[Return Order 92]

ADELMA DONNINI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

[Vesting Order 10558]

EMIL KRATZERT

In re: Trust under the will of Emil Kratzert, deceased. File No. D-28-2541; E. T. sec. 3757.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gesella Hansch and Theresa Kratzert Hansch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Emil Kratzert, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Security Trust Company of Rochester, as trustee, acting under the judicial supervision of the Surrogate's Court of Monroe County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1284; Filed, Feb. 11, 1948;  
8:49 a. m.]

EMMY CARLOTTA HERTZBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1283; Filed, Feb. 11, 1948;  
8:49 a. m.]



Claimant	Claim No.	Property and location
Emmy Carlotta Hertzberg, San Antonio, Tex.	5512	<p>\$2,396.72 in the Treasury of the United States.</p> <p>3 fire and tornado insurance policies insuring the improvements of the property located at 1219 Avenue B, 206 Thirteenth St., and 221 Maverick St., all in the City of San Antonio, Tex.</p> <p>An undivided one-half interest in approximately eighty articles of household effects including furniture and kitchen equipment located in the premises known as 1219 Avenue B and 206 Thirteenth St., San Antonio, Texas, identified in Exhibit A of Vesting Order No. 3860.</p> <p>Real Property described as follows: 1. All that certain piece or parcel of land situate in the City of San Antonio, Bexar County, Tex., being the eastern part of Lots 1 and 2 in Block 12, C. B. No. 361 and more particularly described as beginning at the S. W. corner of Cypress and Maverick Sts., thence West with the south line of Cypress St. 110.5 feet to a point 10 feet from the N. E. of property owned by J. D. Anderson. Thence in a South easterly direction in a line parallel to the south boundary line of property across said Lots 1 and 2 to the south boundary line of Lot No. 2. Thence East with the south line of Lot No. 2, 91.5 feet to Maverick St. Thence in a Northerly direction with the west line of Maverick St. to place of beginning.</p> <p>2. An undivided one-half interest in Lot Ten (10) in Block Forty-seven (47) in New City Block Four Hundred Sixty-six (466), situate in the Southwest corner of the intersection of Avenue B and Thirteenth St. being known as 1219 Avenue B and 206 Thirteenth St. in the city of San Antonio, Bexar County, Tex.</p>

Executed at Washington, D. C., on February 6, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1294; Filed, Feb. 11, 1948;  
8:51 a. m.]

[Vesting Order 10560]

ELIZABETH LANGSTEIN

In re: Estate of Elizabeth Langstein, deceased. File No. D-28-11742; E. T. sec. 15942.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788 and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Hermine Kucks, Mrs. Theresia Eckart (named Teresa Langstein in Will), Mrs. Maria Peyerl (named Mary Peyerl in Will), Catherine Ditz, and Hermine Freisleben, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Elizabeth Langstein, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph A. Furey, as Executor, acting under the judicial supervision of the Probate Court of Hamden County, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1285; Filed, Feb. 11, 1948;  
8:49 a. m.]

[Vesting Order 10562]

CAROLINA MAYER

In re: Estate of Carolina Mayer, also known as Karolina Mayer, Lina Mayer and Lena Mayer, deceased. File D-28-11505; E. T. sec. 15723.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Mayer and Franziska Mayer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Konrad Mayer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Carolina Mayer, also known as Karolina Mayer, Lina Mayer and Lena Mayer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Germany Society of the City of New York, as execu-

tor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the children, names unknown, of Konrad Mayer are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1250; Filed, Feb. 10, 1948;  
8:56 a. m.]

[Vesting Order 10564]

KIMIKO NAGAOKA

In re: Rights of Kimiko Nagaoka under insurance contract. File No. F-39-2295-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kimiko Nagaoka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under the death benefit provisions of a contract of insurance evidenced by policy No. 61272, issued by the West Coast Life Insurance Company, San Francisco, California, to Tsutae Nagaoka, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate con-



sultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1286; Filed, Feb. 11, 1948;  
8:49 a. m.]

[Vesting Order 10565]

KOSUMI NAKAI

In re: Rights of Kosumi Nakai under insurance contract. File No. F-39-4918-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosumi Nakai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 95303, issued by the West Coast Life Insurance Company, San Francisco, California, to Nakauemon Nakai, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the

aforsaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1287; Filed, Feb. 11, 1948;  
8:49 a. m.]

# CONSOLIDATED AMUSEMENT CO. LTD.

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservative expenses:

Claimant	Claim No.	Property and location
Consolidated Amusement Co., Ltd., Hawaii Theater Bldg., Post Office Box 3737, Honolulu, T. H.	6357	\$1,097.50 in the Treasury of the United States.

Executed at Washington, D. C., on February 6, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1295; Filed, Feb. 11, 1948;  
8:51 a. m.]

[Vesting Order 10566]

SEIKICHI OSAKO

In re: Rights of Seikichi Osako under insurance contract. File No. D-39-18528-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seikichi Osako, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS-80601, issued by the California-Western States Life Insurance Company, Sacramento, California, to Seikichi Osako, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforsaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1288; Filed, Feb. 11, 1948;  
8:50 a. m.]

[Vesting Order 10567]

HEINZ ULRICH PRALLE

In re: Rights of Heinz Ulrich Pralle under insurance contract. File No. D-28-10392-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Ulrich Pralle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 29302, issued by the Grand Lodge of the Order of the Sons of Hermann in the State of Texas, San Antonio, Texas, to William Pralle, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforsaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.



The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1289; Filed, Feb. 11, 1948;  
8:50 a. m.]

[Vesting Order 10568]

ANNIE PROUZA

In re: Estate of Annie Prouza, deceased. File D-28-12148; E. T. sec. 16350.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Kawel and Hedwig Hoffmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Annie Prouza, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Jessie A. Spalding, as administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Santa Clara;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1290; Filed, Feb. 11, 1948;  
8:50 a. m.]

[Vesting Order 10569]

AUGUSTE HENRIETTE PULFRICH

In re: Rights of Auguste Henriette Pulfrich under insurance contract. File No. F-28-9060-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Henriette Pulfrich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 148489, issued by the Travelers Insurance Company, Hartford, Connecticut, to Ernst Pulfrich, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1291; Filed, Feb. 11, 1948;  
8:50 a. m.]